

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION**

**CIVIL NO. 2:08CV32**

SHERIDAN E. SNYDER, and THE )  
CLOSING PLACE®, INC., )  
                                )  
Plaintiffs,                 )  
                                )  
Vs.                         )                                   O R D E R  
                               )  
EVANGELINE A. LEDFORD, )  
                               )  
Defendant.                 )  
                               )

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**THIS MATTER** is before the Court on Plaintiffs' response to the Court's Order of March 16, 2009, requesting a status report regarding the foreclosure proceedings involving The Closing Place.

Plaintiffs report that The Closing Place property was sold through a foreclosure sale on December 22, 2008. Plaintiffs have filed a motion in the state proceeding to set aside the trustee's deed for the sale of land and a hearing on that motion is scheduled before the Clerk of the Cherokee County Superior Court on March 31, 2009. **Foreclosure Proceedings Status Report, filed March 23, 2009.**

The Court has previously considered and denied Plaintiffs' motion for a temporary restraining order which sought to enjoin the foreclosure sale; Plaintiffs seek the same relief in their motion for a preliminary injunction. As noted in the previous order, “[i]n deciding whether or not to grant a temporary restraining order, the Court employs the same standard used in deciding whether to issue a preliminary injunction.” **Memorandum and Order, filed December 19, 2008, at 6 (citing *Moore v. Kemphorne*, 464 F. Supp. 2d 519, 525 (E.D. Va. 2006))**. The property at issue has been sold through foreclosure and Plaintiffs have an adequate method of challenging the sale through the state proceeding. Therefore, the Plaintiffs' motion for a preliminary injunction will be denied for the same reasons as set forth in the Court's previous Memorandum and Order denying the motion for a temporary restraining order.

**IT IS, THEREFORE, ORDERED** that Plaintiffs' motion for a preliminary injunction is hereby **DENIED**.

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Signed: March 26, 2009



Lacy H. Thornburg  
United States District Judge

